

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

In re: PHARMACEUTICAL INDUSTRY)
AVERAGE WHOLESALE PRICE)
LITIGATION)
_____)
)

THIS DOCUMENT RELATES TO:)

United States of America ex rel. Ven-a-Care of)
the Florida Keys, Inc., et al. v. Abbott)
Laboratories, Inc., Civil Action No. 06-)
11337-PBS;)
)

MDL No. 1456

Civil Action No. 01-12257-PBS

Hon. Patti B. Saris

United States of America ex rel. Ven-a-Care of)
the Florida Keys, Inc., et al. v. Dey, Inc., et)
al., Civil Action No. 05-11084-PBS; and)
)

United States of America ex rel. Ven-a-Care of)
the Florida Keys, Inc., et al. v. Boehringer)
Ingelheim Corp., et al., Civil Action No. 07-)
10248-PBS)
)

JANUARY 2008 STATUS REPORT OF THE UNITED STATES AND THE RELATOR
VEN-A-CARE OF THE FLORIDA KEYS

The United States of America (“United States”) and Ven-A-Care of the Florida Keys, Inc. (“Ven-A-Care” or the “Relator”), Plaintiffs, through their undersigned counsel, respectfully file the attached Status Report for January 2008, in accordance with the Court’s June 17, 2004, Procedural Order.

United States of America ex rel. Ven-a-Care of the Florida Keys, Inc., v. Abbott Laboratories, Inc. MDL Docket Number 06-11337 Original Jurisdiction: U. S. District Court Southern District of Florida		
Pending Motions	Responsive Memoranda	Hearing Date
United States' Second Motion to Compel Abbott to Produce Documents and Memorandum in Support filed April 9, 2007 (Docket 4047 and 4048)	Docket #4153	
United States' Motion to Compel Abbott to Respond to the United States' First Set of Interrogatories, Memo in Support and United States' Motion for Leave to File Under Seal filed on April 16, 2007 (Docket 4060, 4061 and 4063)	Docket #4152 Sealed Exhibits (Docket 4114, 4115 and 4116)	June 19, 2007
Motion of Abbott Laboratories, Inc., Duane Burnham and Thomas Hodgson for a Protective Order Relating to the Proposed Depositions of Messrs. Burnham and Hodgson (Docket 4692)	Docket #4736	
Abbott Laboratories, Inc.'s Motion for Preservation Order and Affidavit Regarding Spoliation Issues (Docket 4711)	4808	
United States' Motion to Maintain Seal on Documents Re Objections to August 13 Order of Magistrate Judge Bowler (Docket 4734)		
Second Motion for Protective Order Barring the Deposition of Miles White by Abbott Laboratories, Inc. (Docket 4774)	4784	
Unopposed Motion by the United States for Leave to File Response to Abbott's Supplemental Submission Relating to the Magistrate's August 13, 2007 Order (Docket 4777)	N/A	
Motion for Protective Order Relating to the Proposed Deposition of Richard A. Gonzalez by Abbott Laboratories, Inc. (4781)	4806	

Assented to Motion for Leave to File Reply in Support of Motion for Protective Order Barring the Depositions of Duane Burnham and Thomas Hodgson by Abbott Laboratories, Inc. (Docket 4782)	N/A	
Motion to Compel Discovery Responses to Its Document Request Nos. 37 and 38 by Abbott Laboratories, Inc. (Docket 4790 and 4791)	Response: 4869 Reply: 4890	
Motion to Compel by United States (Docket 4799 and 4800)	4876	
Motion to Correct 4800 Memorandum in Support of Motion, Third Motion to Compel Abbott to Produce Documents and to Require Abbott to De-Designate Non-Confidential Information by United States (Docket 4805)		
Assented to Motion for Extension of Time to November 2, 2007 to File Response/Reply as to 4790 Motion to Compel Discovery Responses to Its Document Request Nos. 37 and 38 by United States (Docket 4811)	N/A	
Assented to Motion for Leave to File a Reply Memorandum in Support of Motion for a Preservation Order and Affidavit Regarding Spoliation Issues by Abbott Laboratories (Docket 4820)	N/A	
Assented to Motion for Extension of Time to November 7, 2007 to File Response/Reply as to 4800 Memorandum in Support of Motion, 4799 Motion to Compel Documents by Abbott Laboratories, Inc. (Docket 4828)	N/A	
Consent Motion for Leave to File Reply in Support of Renewed Motion for Protective Order Barring the Deposition of Abbott CEO Miles White by Abbott Laboratories, Inc. (Docket 4862)	N/A	
Motion for Leave to File First Amended Complaint by United States (Docket 4878)	4889	

Second Motion for Leave to File Reply in Support of Motion for a Preservation Order and Affidavit Regarding Spoliation Issues by Abbott Laboratories (Docket 4883)		
Order for In Camera Inspection Re Objections to August 13 Order by Magistrate Judge Bowler (Dockets 4885)	4920	
Emergency Motion to Compel Production of Ira Burney Documents by Abbott Laboratories, Inc. (Docket 4892)	4937	
Emergency Motion to Compel Submission of "Cross-Cutting" Evidence Consistent with the Court's 11/13/2007 Deliberative Process Privilege Order by Abbott Laboratories, Inc. (Docket 4901)	4904	
Motion for Leave to File a Reply to Abbott Laboratories Inc.'s Opposition to Motion to Amend by United States (Docket 4907)		
Motion for Leave to File Reply to Third Motion to Compel by United States (Docket 4908)		
Assented to Motion for Leave to File Its Supplemental Submission of Exhibits by Abbott Laboratories, Inc. re Dockets 4790 and 4892 (Docket 4938 and 4940)		
Notice by United States of Decisions in Related State Case (Docket 4943)		

United States of America ex rel. Ven-A-Care of the Florida Keys, Inc. v. Dey, Inc., et al., MDL Docket No. 05-11084-PBS Original Jurisdiction: United States District Court, District of Massachusetts		
Pending Motions	Responsive Memoranda	Hearing Date
Dey Defendants' Motion to Amend the Court's July 17, 2007 Memorandum and Order to Include a Certification of Immediate Appeal Pursuant to 28 U.S.C. § 1292(b), filed July 31, 2007 (Docket 4523)	U.S. Opposition, filed August 31, 2007 (Docket 4673)	

United States of America ex rel. Ven-A-Care of the Florida Keys, Inc. v. Boehringer Ingelheim Corp., et al., MDL Docket No. 07-10248-PBS Original Jurisdiction: United States District Court, District of Massachusetts		
Pending Motions	Responsive Memoranda	Hearing Date
none		

Respectfully Submitted,

For the United States of America,

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CERTIFICATE OF SERVICE

I hereby certify that I have this day caused an electronic copy of the above "JANUARY 2008 STATUS REPORT OF THE UNITED STATES AND THE RELATOR VEN-A-CARE OF THE FLORIDA KEYS" to be served on all counsel of record via electronic service pursuant to Paragraph 11 of Case Management Order No. 2 by sending a copy to LexisNexis File & Serve for posting and notification to all parties.

/s/ Mark A. Lavine

Dated: January 3, 2007

Mark Lavine